

## **REMARKS**

### **Specification**

The specification and abstract were objected to because they contained typographical errors. These errors have been corrected.

### **Claims**

#### ***Claim Objections***

Claims 14, 15, 17, 21, and 23 were objected to because of several informalities.

All actual informalities have been corrected.

Applicant, however, disagrees with the examiner's objections to claim 17. The claim does not recite a means for venting. If an air spring is vented, it is merely not pressurized. "Vented" is not an act, but a status. Claim 17 has been corrected for clarification.

Further, Applicant disagrees with the two objections to claim 17 for a lack of antecedent basis of the expressions "the vehicle" and "the group." "The vehicle" has its antecedent basis in the preamble of claim 14. Also, the expression "at least one member of the group consisting of" is the proper way to formulate a Markush group. Applicant thus believes that these two expressions need no correction.

#### ***Claim Rejections – 35 U.S.C. § 102***

Claims 14-16, 20 and 23 were rejected under 35 U.S.C. 102(e) as being anticipated by Salib et al. (6,961,648).

Salib deals with the problem of measuring erroneous roll rates and/or roll angles

when a vehicle moves along a bank angle. The roll angle is the angle around the longitudinal vehicle axis. Properly determining the roll angle, roll velocity or roll acceleration is important for the prevention of rollover accidents. A vehicle moving along a banked surface (as indicated in the cited Figs. 2 and 3 of the Salib reference) presents a problem because the lateral acceleration of such a vehicle indicates a roll angle, but the vehicle is not actually in the process of rolling.

The present invention is not concerned with a roll angle or with erroneous measurements. It is concerned with enabling a vehicle to cut through accumulated snow or other debris, as described in paragraphs 4 and 6 of the specification. Such accumulations are not the road surface itself – or the step of disabling the electronic stability control would have no effect. Only material accumulated on the road surface can be removed by allowing the wheels to spin. Accordingly, the word “accumulated” has been added to clarify that the invention is not concerned with bank angles of the road surface itself.

Also, a material wedge does not create any rolling movement. Especially, if all wheels of an axle (i.e. both left and right side) are driven on a material wedge, Salib et al. would not deactivate its electronic stability control system. If this situation were to cause the vehicle to move around any axis, it would be the pitch axis (lateral horizontal axis): The vehicle front, not a side, is raised. Likewise, a platform situation is unrelated to a roll angle or wheel departure angle as well because the vehicle’s weight is not supported by the wheels of one side, but by the vehicle body. Therefore, there will not be a wheel departure angle as required by Salib et al.

Consequently, the Salib reference does not apply to situations where all wheels of

one axle of the vehicle are driven on a wedge of roadway material or where the vehicle is in a lifted platform situation. Accordingly, claim 14 has been amended to that all wheels of at least one axle are driven on the material wedge.

Applicant believes that claim 14 as amended is allowable. All other claims directly or indirectly depend from claim 14 and are thus believed to be allowable as well.

***Claim Rejections – 35 U.S.C. § 103***

Claims 17-19 were rejected as being unpatentable under 35 U.S.C. § 103 over Salib et al. (6,961,648).

Claims 21 and 22 were rejected as being unpatentable under 35 U.S.C. § 103 over Salib et al. in view of van Cayzeele et al. (7,063,333) in further view of Dixon et al. (6,260,859).

Claims 17-19 as well as claims 21 and 22 depend from claim 14 and are thus believed to be patentable with only those amendments necessary to remove the objections.

### **CONCLUSION**

In view of the preceding amendments and remarks, Applicant respectfully submits that the specification is in order and that all of the claims are now in condition for allowance. If the Examiner believes that personal contact would be advantageous to the disposition of this case, the Applicant respectfully requests that the Examiner contact the Attorney of the Applicant at the earliest convenience of the Examiner.

Respectfully submitted,

A handwritten signature in cursive script, reading "Gerlinde M. Nattler", is written over a horizontal line.

Gerlinde M. Nattler  
Registration No. 51,272  
(734) 302-6003  
Attorney for Applicants